

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13
Case No. 119-43226-ESS

ROBERT ANGONA
AKA ROBERT P ANGONA,

ORDER DISMISSING CASE

Debtor.

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UPON the August 23, 2019 written application of Marianne DeRosa, Chapter 13 Trustee, (the "Trustee") seeking entry of an Order dismissing the instant Chapter 13 case pursuant to 11 U.S.C. §1307(c) and due notice of the aforesaid application having been given to all necessary parties; and

WHEREAS, on September 9, 2019, the Trustee appeared in support thereof and no one appeared on behalf of the Debtor; and

WHEREAS, the Debtor is not eligible to be a debtor because the Debtor did not receive a briefing that outlined the opportunities for available credit counseling during the 180-day period preceding the date of filing of the petition as required by 11 U.S.C. §109(h); and

WHEREAS, the Debtor does not qualify for Chapter 13 relief as the Debtor's unsecured debt, as indicated by the Claims Register, exceeds the jurisdictional limit of \$419,275.00, pursuant to 11 U.S.C. §109(e); and

WHEREAS, the Debtor failed to commence making Chapter 13 plan payments to the Trustee, as required by 11 U.S.C. §1326(a)(1); and

WHEREAS, the Debtor's proposed Chapter 13 Plan is not adequately funded to provide for full repayment to all priority claims as required by 11 U.S.C. §1322(a)(2); and

WHEREAS, the Debtor's proposed Chapter 13 Plan does not provide for treatment of general unsecured creditors, and therefore does not contain sufficient information to be implemented; and

WHEREAS, the Debtor has failed to file a request to enter the Court's Loss Mitigation

Program, and the Debtor's proposed Chapter 13 plan is not adequately funded to provide for full repayment to secured claims as required by 11 U.S.C. §1325(a)(5); and

WHEREAS, the Debtor failed to comply with the disclosure requirements of E.D.N.Y. LBR 2003-1(a)(vi) and (b)(i) in that the Debtor did not provide to the Trustee documentation of all post-petition mortgage payments; and

WHEREAS, the Debtor failed to comply with the disclosure requirements of E.D.N.Y. LBR 2003-1(a)(iii) in that the Debtor did not provide the Trustee with documentation of the current value of all real property in which the Debtor has an ownership interest; and

WHEREAS, the Debtor failed to comply with the disclosure requirements of E.D.N.Y. LBR 2003-1(b)(ii) and (c) in that an affidavit was not filed with the Court and provided to the Trustee stating that the Debtor has paid all amounts required under a domestic support obligation or that the Debtor has no domestic support obligations; and

WHEREAS, the Debtor failed to comply with the disclosure requirements of E.D.N.Y. LBR 2003-1(b)(iii) and (c) in that an affidavit was not filed with the Court and provided to the Trustee stating that the Debtor has filed all applicable federal, state, and local tax returns as required by Bankruptcy Code §1308; and

WHEREAS, the Debtor failed to appear and be examined at the Section 341 Meeting of Creditors as required by 11 U.S.C. §343; and

WHEREAS, the Debtor failed to serve the plan on the Trustee and all creditors within 7 days of filing the plan, and to file proof of service thereof as required by E.D.N.Y. LBR 3015-1(b); and

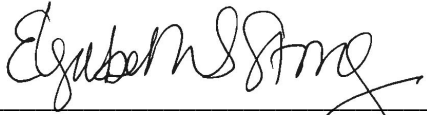
WHEREAS, each of the foregoing constitutes cause for dismissal of a Chapter 13 case; and

WHEREAS, based upon the findings of fact and conclusions of law as stated on the record, cause exists to dismiss this case pursuant to 11 U.S.C. §1307(c); it is accordingly

ORDERED, that the instant Chapter 13 case be dismissed pursuant to 11 U.S.C. §1307(c) of the Bankruptcy Code.

**Dated: Brooklyn, New York
October 4, 2019**




Elizabeth S. Stong
United States Bankruptcy Judge